

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES L. MERRITT,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

**8:21CV402**

**ORDER**

This matter is before the Court on an Unopposed Motion to Reverse and Remand (Filing No. 18) filed by defendant Kilolo Kijakazi, Acting Commissioner of Social Security (“Commissioner”). The Commissioner asks the Court to (1) reverse her final decision denying plaintiff James L. Merritt’s (“Merritt”) claims for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and (2) remand this case to the Commissioner pursuant to sentence four of Section 205(g), 42 U.S.C. § 405(g),<sup>1</sup> for further administrative proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). The Commissioner avers she has contacted Merritt’s counsel, who stated no objection to this motion.

Upon careful review, the Court finds the Commissioner’s motion should be granted. Therefore,

IT IS ORDERED:

1. The Commissioner’s Unopposed Motion to Reverse and Remand (Filing No. 18) is granted.

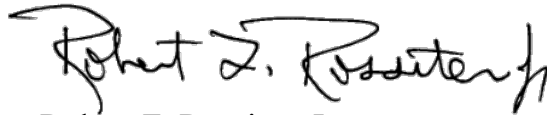
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<sup>1</sup>Sentence four of Section 205(g) empowers the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *Id.*

2. The Commissioner's final decision denying benefits is reversed, and this case is remanded to the Commissioner for further administrative proceedings.
3. Plaintiff James L. Merritt's Motion for Order Reversing Decision of the Commissioner (Filing. No. 16) is denied.
4. A separate judgment will issue.

Dated this 18th day of February 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge